

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 8:03-00531
v.)	Judge Bataillon
)	
CITY OF HASTINGS,)	
CONCRETE INDUSTRIES, INC.,)	
COOPERATIVE PRODUCERS, INC.,)	
DESCO CORPORATION,)	
DUTTON-LAINSON COMPANY,)	
DRAVO, LLC (f/k/a DRAVO)	
CORPORATION) and)	
MORRISON ENTERPRISES,)	
)	NOTICE OF LODGING
Defendants.)	OF CONSENT DECREE
)	WITH DRAVO, LLC
)	(f/k/a DRAVO
)	CORPORATION)
)	

NOTICE OF LODGING OF CONSENT DECREE
WITH DRAVO, LLC

The United States of America, on behalf of the United States Environmental Protection Agency, hereby gives notice that it is lodging with the United States District Court for the District of Nebraska a proposed Consent Decree that has been agreed to and signed by Plaintiff United States and Defendant Dravo, LLC, formerly known as Dravo Corporation (Dravo). The attached Consent Decree resolves claims brought by the United States against Dravo for recovery of past and future response costs incurred and to be incurred by the United States at Operable Units (OUS) 01 and 19 of the Hastings Ground Water Contamination Superfund Site located in Adams County, Nebraska.

In 2001, the United States filed a complaint against Dravo, along with other defendants, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9607, as amended, seeking reimbursement of response costs incurred by EPA for OU 01. *United States v. Dravo Corp., et al.*, civ no. 8:01-cv-00500-JFB-TDT (D. Neb.), Dkt. No. 1. This Court entered a consent decree in that action on May 24, 2006 that requires, *inter alia*, Dravo, along with other defendants, to reimburse certain response costs and perform work selected by EPA as an interim remedy for OU 01. Dkt. No. 284.

In 2003, the United States filed a complaint against Dravo and others pursuant to CERCLA seeking reimbursement of response costs incurred by EPA for OU 19 of the Site, *United States v. City of Hastings, et al.*, civ no. 8:03-cv-531-JFB-TDT (D. Neb.), Dkt. No. 1. This Court entered a consent decree that requires, *inter alia*, Dravo, along with the other defendants, to make payments to EPA to fund work selected by EPA as an interim remedy for OU 19. Dkt. No. 8.

The attached proposed Consent Decree is a final settlement with Dravo for past response costs incurred and future response costs to be incurred by the United States for implementation of the final remedy selected by EPA for OU 01 and an anticipated final remedy for OU19.

Dravo dissolved on July 5, 2018. As detailed in the attached Consent Decree, the United States has determined that Dravo has limited financial ability to pay for response costs incurred and to be incurred at OU 01 and OU 19. In light of the fact that Dravo has dissolved and has limited financial ability to pay for response costs, the attached proposed Consent Decree represents a final resolution of the United States's claims under Section 107 of CERCLA against Dravo for past and future response costs at both OU 01 and OU 19.

Formal notice of the Notice of Lodging for this Consent Decree will be filed in *United States v. Dravo Corp., et al.*, civ no. 8:01-cv-00500-JFB-TDT (D. Neb.), because of the separately filed complaint for OU 01 referenced above.

Pursuant to Department of Justice policy, as set forth at 28 C.F.R. § 50.7, and Section 122(d)(2) of CERCLA, the United States will publish notice of the lodging of this Consent Decree in the Federal Register, and for a period of thirty days will receive public comments on the settlement embodied in the Consent Decree. During the pendency of the 30-day public comment period required under 28 C.F.R. § 50.7 and Section 122(d)(2) of CERCLA for Consent Decrees, no action is required of this Court. If after the expiration of the public comment period and evaluation of the comments received there is no reason to withhold its consent, the United States will submit a Motion to Enter the Consent Decree which shall address any public comments received.

The United States respectfully requests that the Decree not be signed or entered by the Court until a Motion to Enter is submitted.

Respectfully Submitted,

FOR THE UNITED STATES OF AMERICA:

THE UNITED STATES DEPARTMENT OF JUSTICE

12/7/22

Dated

Susan M. Akers
Deputy Chief
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
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/s Erika Wells

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 7, 2022 a copy of the foregoing, NOTICE OF LODGING OF CONSENT DECREE WITH DRAVO, LLC (F/K/A DRAVO CORPORATION), was served by the Court's CM/ECF system upon all persons registered to receive filings in this matter, and by electronic mail to the below listed counsel:

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Counsel for Dravo, LLC

/s Erika M. Wells